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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,691	01/26/2004	Adam Licsko	SS-102U	1420
35693	7590	12/07/2007		
THE SONI LAW FIRM 55 S. LAKE AVE SUITE 720 PASADENA, CA 91101			EXAMINER OLSON, MARGARET LINNEA	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 12/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

hmv

Office Action Summary	Application No. 10/765,691	Applicant(s) LICSKO, ADAM	
	Examiner Margaret L. Olson	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/8/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2 and 5 are objected to because of the following informalities: in claim 2, line 4, "media land" should be "media and". Appropriate correction is required.

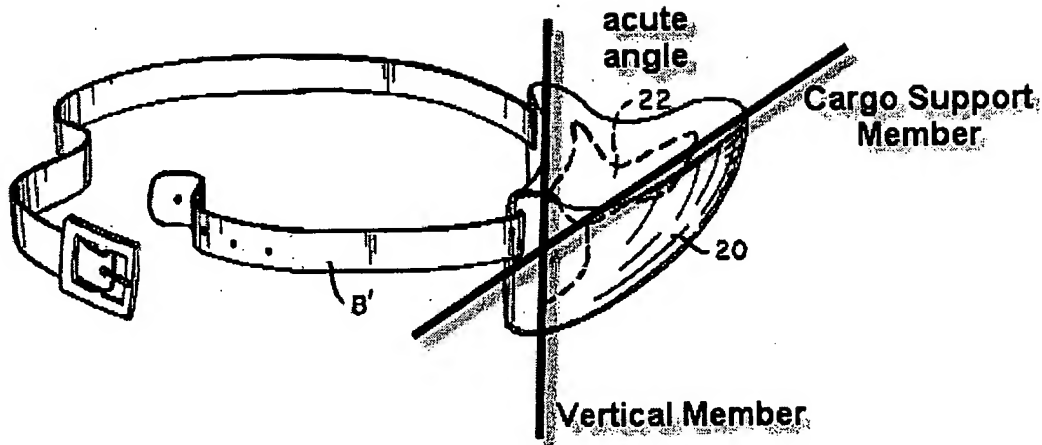
Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Colombo et al. (US 4,901,898). Colombo et al. discloses a personal load bearing device with a vertical member near P (figure 3) comprising a convexly curved medial face (the face curves away from the body at the upper and lowermost points, figure 6, figure 8). A cargo support member near 22 is attached to the vertical member at an upward angle and extending generally horizontally away therefrom.



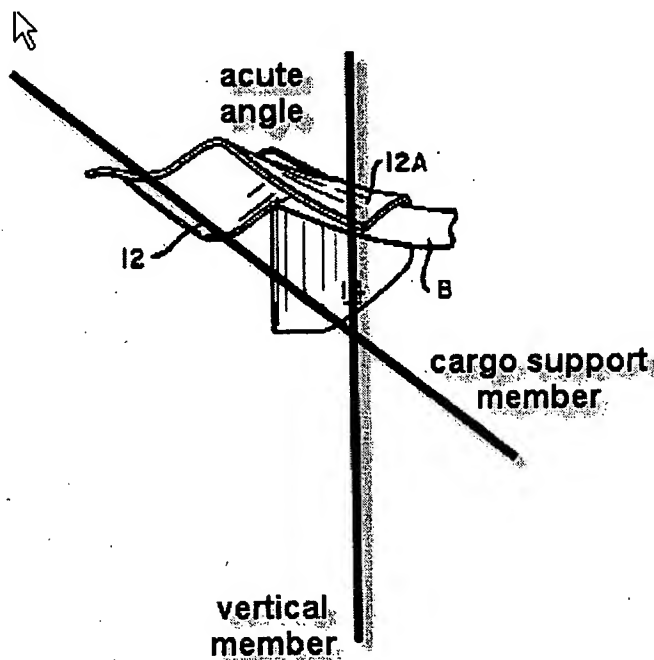
The intersection of a line bisecting the long axis of the vertical member and the line bisecting the long axis of the cargo support member forms an acute angle at the superior lateral corner of the intersection of the lines to form an upper concavely curved surface extending from the vertical member to the cargo support member and terminating at a lip of the distal end thereof (figure 6). The upper surface of the cargo support surface is located generally below the uppermost superior aspect of the vertical member, wherein a guard is formed above the intersection of the vertical member and the cargo support member. Colombo et al. also disclose a means for coupling the device with a belt B (figure 6).

With respect to claim 2, the means for coupling the device to the belt is an oblong cavity defined by the upper aspect of the device body between the media and lateral faces.

With respect to claim 5, the oblong cavity extends substantially above the level of the cargo support surface (figure 8).

With respect to claim 6, there is a lip on the distal end of the cargo support member (furthest edge from belt, figure 8).

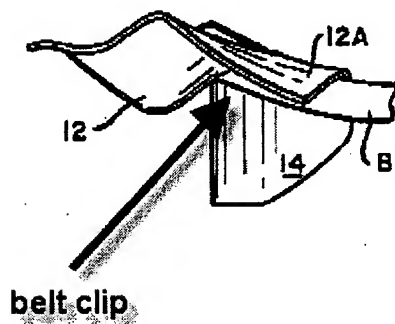
2. Claims 1, 3, 6, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Colombo et al. (US 4,901,898). Colombo et al. discloses a personal load bearing device with a vertical member 14 comprising a convexly curved medial face (the face curves away from the body at the uppermost point, figure 2). A cargo support member near 12 is attached to the vertical member at an upward angle and extending generally horizontally away therefrom.



The intersection of a line bisecting the long axis of the vertical member 14 and the line bisecting the long axis of the cargo support member 12 forms an acute angle at the superior lateral corner of the intersection of the lines to form an upper concavely curved surface extending from the vertical member to the cargo support member and terminating at a lip of the distal end

thereof (figure 5). The upper surface of the cargo support surface is located generally below the uppermost superior aspect of the vertical member, wherein a guard is formed above the intersection of the vertical member and the cargo support member. Colombo et al. also disclose a means for coupling the device with a belt B (figure 5).

With respect to claim 3, the means for coupling the device with a belt B is a clip formed by the underside of the cargo support (figure 2).



With respect to claim 6, there is a lip on the distal end of the cargo support member near C (figure 1).

With respect to claim 7, the vertical member forms a lower concavely curved surface extending from the lip and terminating at the lowermost inferior aspect of the vertical member (figure 1, figure 4).

With respect to claim 8, the convexly curved medial face of the vertical member 14 terminate at the lowermost inferior aspect and curves toward the lower concavely shaped surface to form a ledge at 12 therebetween.

Response to Arguments

3. Applicant's arguments with respect to claim 11/08/07 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret L. Olson whose telephone number is (571) 272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER